Response to Arguments

Applicant's arguments, see remarks, filed 3/17/2008, with respect to the

rejection(s) of claim(s) 1-33 under 102 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a

new ground(s) of rejection is made in view of Hoglund. Examiner notes that Hoglund

has been previously applied and that applicant has now broadened the claim that its

application is again relevant.

Terminal Disclaimer

The terminal disclaimer filed on 3/17/2008 disclaiming the terminal portion of any

patent granted on this application which would extend beyond the expiration date of

10/778,613 and 11/678,088 has been reviewed and is accepted. The terminal

disclaimer has been recorded.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, and 9-33 are rejected under 35 U.S.C. 102(b) as being anticipated by

Hoglund, (United States Patent Application Publication 2002/0026513).

For claim 1, Hoglund teaches, a communications system comprising:

a plurality of mobile wireless communications devices each comprising a

respective software client using at least one of a plurality of different operating protocols

as configuration commands and instructions for accessing electronic mail and data

systems to send at least one access request; (Hoglund, paragraph 65 RF/NCP,

paragraph 36, query)

a plurality of data storage devices for storing data files, each data file being

associated with a respective mobile wireless communications device, each data file

having a unique identification (UID) associated therewith, and each data storage device

using at least one of the plurality of different operating protocols; (Hoglund, paragraph

35, pop and imap, paragraph 91, message id)

and a protocol interface device comprising a protocol converter module for

communicating with said plurality of mobile wireless communications devices using

respective operating protocols thereof, and a protocol engine module for communicating

with said plurality of data storage devices using respective operating protocols thereof,

(Hoglund, paragraph 35, pop and imap) said protocol engine module also for initiating

polling of said data storage devices for UIDs of data files stored thereon to maintain a

new UID list current to within a polling interval, (Hoglund, figure 8a new messages,

paragraph 90, new messages for download) for cooperating with said protocol

converter module to provide the new UID list to said mobile wireless communications

devices upon receiving access requests therefrom, and initiating a supplemental polling

based upon receiving the access requests to supplement the new UID list and provide

the supplemented new UID list to said mobile wireless communications devices if new

messages were determined during the supplemental polling. (Hoglund, paragraph 90,

only download new messages, paragraph 97, automatic or manual)

For claim 2, Hoglund teaches, the communications system of Claim 1 wherein said

protocol engine module detects new data files stored on said data storage devices

based upon UIDs thereof, and wherein said protocol engine module cooperates with

said protocol converter module to send alert notifications to respective mobile wireless

communications devices upon detecting new data files therefor. (Hoglund, paragraph

91, message ID)

For claim 3, Hoglund teaches, the communications system of Claim 1 wherein said

protocol interface device further comprises a memory coupled to said protocol engine

module for storing the UIDs. (Hoglund, paragraph 91, look up manager)

For claim 4, Hoglund teaches, the communications system of Claim 1 wherein said

protocol engine module polls said data storage devices only for UIDs. (Hoglund,)

For claim 5, Hoglund teaches, the communications system of Claim 1 wherein said

protocol engine module polls said data storage devices based upon a static polling

interval. (Hoglund, paragraph 73, 60 min)

For claim 6, Hoglund teaches, the communications system of Claim i wherein said protocol engine module polls said data storage devices based upon an adaptive polling interval. (Hoglund, paragraph 81, adaptive to schedule)

For claim 7, Hoglund teaches, the communications device of Claim 1 wherein said protocol converter module and said protocol engine module communicate using a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol. (Hoglund, paragraph 35, pop imap)

For claim 9, Hoglund teaches, the communications system of Claim 1 wherein said plurality of data storage devices, said plurality of wireless mobile communications devices, and said protocol interface device process electronic mail (e-mail) messages. (Hoglund, paragraph 43, emal)

For claim 10, Hoglund teaches, the communications system of Claim 1 further comprising a wide area network (WAN) connecting at least one of said wireless mobile communications devices with said protocol interface device. (Hoglund, paragraph 65, roam across country)

For claim 11, Hoglund teaches, the communications system of Claim 1 further comprising a wide area network (WAN) connecting at least one of said data storage devices with said protocol interface device. (Hoglund, paragraphs 71-73, internet)

Claims 12-33 list all the same elements of claims 1-7 and 9-11. Therefore, the

supporting rationale of the rejection to claims 1-7 and 9-11, applies equally as well to

claims 12-33.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoglund

in view of Hopmann et al. (US Patent 6,578,069).

For claim 8, (balh) fails to clearly disclose, the communications system of claim 7

wherein the common interface protocol is based upon a Web-based distributed

authoring and versioning (WebDAV) protocol.

Hopmann teaches, the communications system of claim 7 wherein the common

interface protocol is based upon a Web-based distributed authoring and versioning

(WebDAV) protocol. (Hopmann, Col. 10 lines 25-37, webdav)

Hopmann and Hoglund are both in field of invention preventing duplicate downloads

(Hopmann, Col. 2 line 37) and (Hoglund, paragraph 90)

(balh) and Hopmann both utilize UID to track document making both systems

compatible

It would be obvious to one of ordinary skill in the art at the time of the invention to

combine (balh) with Hopmann, because Hopmann provided the added benefit of being

able to track changes when disconnected from the network and connected to a different

server. (Hopmann, Col. 2 line 65 to line 3 line 7)

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. See attached Notice of references cited (if appropriate).

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. Also any interview requests should be faxed directly to the examiner at (571)-273-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145